IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl.Misc. No.67769-M of 2006
Date of Decision:- 09.1.2007

Richhpal .....Petitioner(s)

through
Mr.K.S.Yadav, Advocate.

vs.

State of Haryana & ors. .....Respondent(s)

through
Mr.R.D.Sharma, DAG, Haryana.

***

CORAM:- HON'BLE MR. JUSTICE SURYA KANT.

***

SURYA KANT, J. (ORAL)

The petitioner, who is a life convict, is aggrieved at the order dated 11.9.2006 (Annexure P-1) whereby the Director General of Prisons, Haryana, has turned down his request for release on parole for agricultural purposes on the ground that there is an apprehension of breach of peace and that there are other family members who can do the agricultural work.

There is no dispute with regard to the fact that the father of the petitioner was owner in possession of the agricultural land measuring 8 acres in village Bandhwari. It is stated by learned counsel for the petitioner that the petitioner's father had died in the month of March, 2006 and that there is no other male member in the family who can cultivate and/or do the agricultural work.

If the above-stated stand taken by learned counsel for the petitioner is factually correct, then the petitioner's request to release him on parole for agricultural purposes undoubtedly requires reconsideration.

Consequently, this petition is allowed to the extent that the order dated 11.9.2006 (Annexure P-1) is quashed and a direction is issued to the Director General of Prisons, Haryana to verify the facts regarding the death of the petitioner's father and non-availability of any other male member in the family to do the agricultural work and if these facts are found to be correct then to objectively reconsider the petitioner's case for his temporary release on parole for agricultural purposes. The necessary decision shall be taken within a period of two months from the date of receipt of certified copy of this order.

January 09, 2007 **(SURYA KANT)**
poonam **JUDGE**